

By: Lopez of Cameron

H.B. No. 3138

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality or county to regulate certain matters related to firearms, air guns, archery equipment, and other weapons and related supplies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 229.001, Local Government Code, is amended to read as follows:

Sec. 229.001. FIREARMS; AIR GUNS; ARCHERY EQUIPMENT; KNIVES; EXPLOSIVES.

SECTION 2. Sections 229.001(a), (b), (b-1), (c), and (d), Local Government Code, are amended to read as follows:

(a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt or enforce regulations that:

(1) relate to:

(A) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, archery equipment, knives, ammunition, or firearm or air gun supplies or accessories;

(B) commerce in firearms, air guns, archery equipment, knives, ammunition, or firearm or air gun supplies or accessories; or

(C) the discharge of a firearm, ~~or~~ air gun, or archery equipment at a sport shooting range; or

1           (2)    require an owner of a firearm or archery equipment  
2 to obtain liability insurance coverage for damages resulting from  
3 negligent or wilful acts involving the use of the firearm or archery  
4 equipment.

5           (b)    Subsection (a) does not affect the authority a  
6 municipality has under another law to:

7           (1)    require residents or public employees to be armed  
8 for personal or national defense, law enforcement, or another  
9 lawful purpose;

10          (2)    regulate the discharge of firearms, ~~or~~ air guns,  
11 or archery equipment within the limits of the municipality, other  
12 than at a sport shooting range;

13          (3)    except as provided by Subsection (b-1), adopt or  
14 enforce a generally applicable zoning ordinance, land use  
15 regulation, fire code, or business ordinance;

16          (4)    regulate the storage or transportation of  
17 explosives to protect public health and safety, except that 25  
18 pounds or less of black powder for each private residence and 50  
19 pounds or less of black powder for each retail dealer are not  
20 subject to regulation;

21          (5)    regulate the carrying of an air gun, archery  
22 equipment, or firearm, other than a handgun carried by a person not  
23 otherwise prohibited by law from carrying a handgun, at a:

24                (A)   public park;

25                (B)   public meeting of a municipality, county, or  
26 other governmental body;

27                (C)   political rally, parade, or official

1 political meeting; or

2 (D) nonfirearms-related school, college, or  
3 professional athletic event;

4 (6) regulate the carrying of a firearm by a person  
5 licensed to carry a handgun under Subchapter H, Chapter 411,  
6 Government Code, in accordance with Section 411.209, Government  
7 Code;

8 (7) regulate the hours of operation of a sport  
9 shooting range, except that the hours of operation may not be more  
10 limited than the least limited hours of operation of any other  
11 business in the municipality other than a business permitted or  
12 licensed to sell or serve alcoholic beverages for on-premises  
13 consumption;

14 (8) regulate the carrying of an air gun by a minor on:

15 (A) public property; or

16 (B) private property without consent of the  
17 property owner; or

18 (9) except as provided by Subsection (d-1), regulate  
19 or prohibit an employee's carrying or possession of a firearm,  
20 firearm accessory, or ammunition in the course of the employee's  
21 official duties.

22 (b-1) The exception provided by Subsection (b)(3) does not  
23 apply if the ordinance or regulation is designed or enforced to  
24 effectively restrict or prohibit the manufacture, sale, purchase,  
25 transfer, or display of archery equipment, firearms, firearm  
26 accessories, or ammunition that is otherwise lawful in this state.

27 (c) The exception provided by Subsection (b)(5) does not

1 apply:

2           (1) if the firearm, ~~[or]~~ air gun, or archery equipment  
3 is in or is carried to or from an area designated for use in a lawful  
4 hunting, fishing, or other sporting event and the firearm, ~~[or]~~ air  
5 gun, or archery equipment is of the type commonly used in the  
6 activity; or

7           (2) to a person licensed to carry a handgun under  
8 Subchapter H, Chapter 411, Government Code.

9           (d) Nothing in this section may be construed to authorize  
10 the seizure or confiscation of any firearm, air gun, archery  
11 equipment, knife, ammunition, or firearm or air gun supplies or  
12 accessories from an individual who is lawfully carrying or  
13 possessing the firearm, air gun, archery equipment, knife,  
14 ammunition, or firearm or air gun supplies or accessories.

15           SECTION 3. Section 229.001(e), Local Government Code, is  
16 amended by adding Subdivision (2-a) to read as follows:

17           (2-a) "Archery equipment" means a long bow, recurved  
18 bow, compound bow, or crossbow. The term includes an arrow and a  
19 component part or accessory of an arrow, bow, or crossbow.

20           SECTION 4. Section 235.042(a), Local Government Code, is  
21 amended to read as follows:

22           (a) To promote the public safety, the commissioners court of  
23 a county by order may prohibit or otherwise regulate hunting with  
24 bows and arrows on lots that are smaller than seven ~~[10]~~ acres ~~[or~~  
25 ~~smaller]~~ and are located in the unincorporated area of the county in  
26 a subdivision.

27           SECTION 5. The heading to Chapter 236, Local Government

Code, is amended to read as follows:

CHAPTER 236. COUNTY REGULATION OF FIREARMS, ARCHERY EQUIPMENT,  
KNIVES, AMMUNITION, FIREARM SUPPLIES, AND SPORT SHOOTING RANGES

SECTION 6. Section 236.001, Local Government Code, is  
amended by adding Subdivision (3) to read as follows:

(3) "Archery equipment" has the meaning assigned by  
Section 229.001.

SECTION 7. The heading to Section 236.002, Local Government  
Code, is amended to read as follows:

Sec. 236.002. FIREARMS; AIR GUNS; ARCHERY EQUIPMENT; SPORT  
SHOOTING RANGE.

SECTION 8. Section 236.002(a), Local Government Code, is  
amended to read as follows:

(a) Notwithstanding any other law, including Chapter 251,  
Agriculture Code, a county may not adopt or enforce regulations  
that:

(1) relate to:

(A) the transfer, possession, wearing, carrying,  
ownership, storage, transportation, licensing, or registration of  
firearms, air guns, archery equipment, knives, ammunition, or  
firearm or air gun supplies or accessories;

(B) commerce in firearms, air guns, archery  
equipment, knives, ammunition, or firearm or air gun supplies or  
accessories; or

(C) the discharge of a firearm, ~~or~~ air gun, or  
archery equipment at a sport shooting range; or

(2) require an owner of a firearm or archery equipment

1 to obtain liability insurance coverage for damages resulting from  
2 negligent or wilful acts involving the use of the firearm or archery  
3 equipment.

4 SECTION 9. Sections 342.003(a) and (b), Local Government  
5 Code, are amended to read as follows:

6 (a) The governing body of the municipality may:

7 (1) prohibit dangerous chimneys, flues, fireplaces,  
8 stovepipes, ovens, and other apparatus used in or about any  
9 building, and require the apparatus to be removed or placed in a  
10 safe condition;

11 (2) prohibit the unsafe deposit of ashes;

12 (3) appoint officers who may enter any building or  
13 enclosure to examine and determine whether it is in a dangerous  
14 condition and, if the building or enclosure is in a dangerous  
15 condition, require that it be put in a safe condition;

16 (4) require the inhabitant of a building to maintain  
17 as many fire buckets and means of access to the roof as prescribed  
18 by the governing body, and regulate the use of those items in the  
19 event of a fire;

20 (5) require the owner or occupant of a building to  
21 maintain access to the roof and to stairs or ladders that lead to  
22 the roof;

23 (6) prohibit or otherwise regulate factories and other  
24 works that pose a danger of promoting or causing fires;

25 (7) prohibit or otherwise regulate the erection of  
26 cotton presses and sheds;

27 (8) prohibit or otherwise regulate the use of

1 fireworks [~~and firearms~~];

2           (9) prohibit, direct, or otherwise regulate the  
3 keeping and management of buildings within the municipality that  
4 are used to store gunpowder or other combustible, explosive, or  
5 dangerous materials, and regulate the keeping and conveying of  
6 those materials;

7           (10) regulate the building of parapet or party walls;

8           (11) authorize the mayor or other municipal officers,  
9 including the officers of fire companies, to keep away from the  
10 vicinity of any fire all idle, disorderly, or suspicious persons,  
11 and to arrest and confine those persons;

12           (12) compel municipal officers and all other persons  
13 to aid in extinguishing fires, preserving property exposed to the  
14 danger of fire, and preventing theft; and

15           (13) adopt other rules for the prevention and  
16 extinguishment of fires as the governing body considers necessary.

17           (b) Subsection (a)(9) [~~(a)(8) or (9)~~] does not authorize a  
18 municipality to adopt any prohibition or other regulation in  
19 violation of Section 229.001.

20           SECTION 10. The changes in law made by this Act apply to an  
21 ordinance, order, regulation, or other measure adopted before, on,  
22 or after the effective date of this Act.

23           SECTION 11. This Act takes effect immediately if it  
24 receives a vote of two-thirds of all the members elected to each  
25 house, as provided by Section 39, Article III, Texas Constitution.  
26 If this Act does not receive the vote necessary for immediate  
27 effect, this Act takes effect September 1, 2025.